

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JEROME PHILLIPS,)	
)	
Petitioner,)	
)	
v.)	No. 4:11CV91 FRB
)	
DAVE DORMIRE,)	
)	
Respondent.)	

MEMORANDUM

This matter is before the Court on the petition of Jerome Phillips for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Because the petition is successive, it must be summarily dismissed.


Rule 4 of the Rules Governing § 2254 Cases in the United States District Courts provides that a district court shall summarily dismiss a § 2254 petition if it plainly appears that the petitioner is not entitled to relief.

Petitioner was convicted of two counts of first degree assault, unlawful use of a weapon and armed criminal action by the state court in 1988. Petitioner sought state and federal habeas relief after the conviction. See Phillips v. Dormire, 4:97CV903 FRB (E.D. Mo. 2000). Petitioner's appeal was dismissed by the United States Court of Appeals for the Eighth Circuit on April 6, 2001. Phillips v. Dormire, No. 01-1465 and No. 01-1600 (8th Cir. 2001).

To the extent that petitioner seeks to relitigate claims that he brought in his original petition, those claims must be denied pursuant to 28 U.S.C. § 2244(b)(1). To the extent that petitioner seeks to bring new claims for habeas relief, petitioner must obtain leave from the United States Court of Appeals for the Eighth Circuit before he can bring those claims in this Court. 28 U.S.C. § 2244(b)(3)(A). Petitioner has not been granted leave to file a successive habeas petition in this Court. As a result, the petition will be dismissed.

An Order of Dismissal will accompany this Memorandum.

Dated this 31st day of January, 2011.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE